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Steven E. Rindner

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

JOHN MICHAEL KELLY, STEVEN E.
RINDNER, JOSEPH A. RIPP, and
MARK WOVSANIKER,

Defendants.

No. 08 cv 4612 (SWK)

MOTION TO DISMISS
COMPLAINT OF PLAINTIFF
SECURITIES & EXCHANGE
COMMISSION

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law, Defendant Steven E. Rindner moves this Court before the Honorable Shirley Wohl Kram, United States District Judge, for an order pursuant to Federal Rule of Civil Procedure 12(b)(6), to dismiss Plaintiff Securities and Exchange Commission's claims against Defendant Steven E. Rindner.

Respectfully submitted,

s/ Jonathan C. Drimmer

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Dated: September 5, 2008

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion to Dismiss and Memorandum of Law in Support of Motion to Dismiss were served via electronic mail, this 5th day of September 2008, upon the following counsel:

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